

REMARKS

Claims 1-3, 9 and new claim 10 are pending in this application.

The support for the claim amendments are as follows: Claim 1 (page 16, line 22 to page 17, line 4, disclosing functional groups remaining after the crosslinking; p.19, lines 5-7, disclosing that the thermoplastic resin is crosslinked) and claim 10 (p.5, line 16 to p.6, line 4 and p.16, line 22 to p.17, line 4). The Applicants submit that no new matter has been added.

With respect to JP'867, Tonogaki '952, and Jakubauskas'602, the Office Action dated August 14, 2003 states on p.5, text lines :

However, JP 0925586, Tonogaki et al., and Jakabauskas et al. do disclose crosslinking the dispersant. The only difference is that these references disclose crosslinking the dispersant at a different time than in the present invention. ... However, in each case, the end result is the same; the dispersant is crosslinked after the pigment is dispersed as required in the present claims. There is nothing in the present claims that prevents the crosslinking from occurring after application to substrate.

The Applicants are claiming a liquid which has superior stability as explained in the declaration dated May 10, 2003, while the above conclusion in the Office Action is made by comparing the claimed liquid with a composition which has been applied to a substrate and is obviously not in the liquid state.

Therefore the issue is not whether nothing in the claim language prevents crosslinking from occurring after application to a substrate, but properly comparing the claimed liquid water-based dispersion with that of the references. It was admitted in the Office Action that JP'867, Tonogaki '952, and Jakubauskas'602 are different based on the time of cross-linking. As the declaration shows

and the claims more clearly recite, the compositions of the references lack a cross-linking agent in the liquid state and therefore cannot be a crosslinked dispersion.

The Office Action notes that the second Declaration does not establish unexpected results and does not compare the present invention with the closest prior art. The Applicants disagree.

The object of the claimed invention is to provide an aqueous pigment dispersion having excellent properties of coatings formed therefrom and an excellent stability of the dispersion (page 4, lines 17-26 of the specification). The aqueous pigment dispersion has a solid concentration of 5 to 40% by weight (page 21, lines 7-9). Not only the properties of coatings formed on a substrate, but also the stability of the dispersion are the end results to be evaluated. The second Declaration demonstrates that the claimed dispersion has an improved stability as compared with dispersions which contain a crosslinking agent, but a resin dispersant is not crosslinked. The dispersions compared with the claimed dispersion in the Declaration correspond to the dispersions disclosed by the cited references. None of the cited references teach or suggest that the stability of the dispersions can be improved by crosslinking the resin dispersant during the preparation of the dispersions. The stability advantage cannot be expected from the cited references.

Claims 1, 3 and 9 are rejected under 35 U.S.C. §102(a) as being anticipated by JP 09255867. Claims 1-3 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Tonogaki et al. (U.S. Patent No. 5,492,952). Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Jakubauskas (U.S. Patent No. 3,980,602).

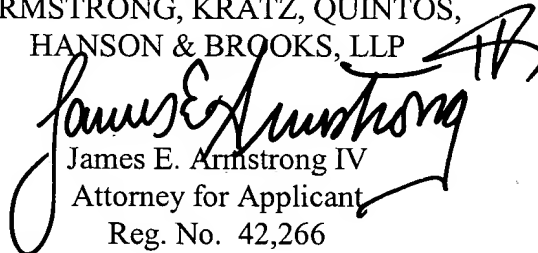
Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP 09255867 in view of Carlson et al. (U.S. Patent No.6,136,890) and Suga et al. (U.S. Patent No. 5,604,276).

In light of the above claim amendments and remarks, it is respectfully requested that the Examiner reevaluate the claims and pass this application to allowance.

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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